

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter Of:	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
Challenge Process to Competitive Coverage	)	
In the Alternative Connect America Cost	)	
Model (A-CAM)	)	

**COMMENTS  
OF  
THE MIDDLEBURGH TELEPHONE COMPANY**

The Middleburgh Telephone Company (MTCO) (SAC 150105) hereby submits the following challenges to census blocks designated as competitively served in version 2.2 of the Alternative Connect America Fund Model (A-CAM).

Comparing A-CAM competitively served Census Blocks for our service area against FCC 477 Data, the following anomalies were identified:

Census Block	FCC 477 Competitor (June 2015 Data)
360957406001109	Fairpoint Communications
360957406001090	Time Warner Cable Inc
360957406001115	Time Warner Cable Inc
360957406001116	Time Warner Cable Inc
360957406001136	Time Warner Cable Inc
360957407002070	Time Warner Cable Inc

**Fairpoint Communications**

Fairpoint Communications is not a facilities based provider in our service area. Further, recent email communications with Fairpoint Communications confirmed their information to be in error. Please see redacted email correspondence, Attachment A. Based on this information, we request the census block ending in "1109" be designated as not being competitively served.

Time Warner Cable

The anomalies with the Time Warner Cable(TWC) census blocks are categorized with two separate rationale.

First, the census blocks in rows 2 through 4 shown above. They appear in the A-CAM data as "competitively served". These census blocks are in the Town of Fulton, NY. TWC does not have a franchise to serve in the Town of Fulton. Additionally, we have a property location in one of these census blocks at 1654 State Route 30, Blenheim, NY 12131. A call made to TWC Customer Service group on 3/30/16 at approximately 10:50AM confirmed they do not provide service to this address. Further, a field ride-out through these census blocks confirmed there was no TWC HFC plant along the pole lines. Also, as Attachment B shows, these census blocks are far from neighboring the Town of Middleburgh. One path, traveling Route 36 is approximately 2.1 miles. The other pathway, along Route 30 is nearly 5 miles. It is for these reasons, we request the four census blocks, ending in "1090", "1115", "1116", and "1136" to be designated as not being competitively served. While we understand that no A-CAM recovery is planned for these census blocks in the current version of the model, we felt it necessary to address this, should the model change and these blocks be brought into eligibility.

Secondly, the last census block above, ending in "2070", is currently designated in the A-CAM data as being competitively service by TWC. A field ride-out through this block confirmed the nearest TWC facility is approximately .9 miles from first reaching the census block. Additionally, the starting point of a side road containing the bulk of the 17 housing units is yet another approximately .5 miles further. We contend that a construction build of at 1.5+ miles does not qualify this block as being served. We request this block to be designated as not being competitively served, making it available to us under the A-CAM model.

Respectfully Submitted,



Richard C. Nardone  
IT Director

The Middleburgh Telephone Company  
103 Cliff Street  
PO Box 191  
Middleburgh, NY 12122  
(518) 827-5211

April 27, 2016

**Rick Nardone**

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**From:** [REDACTED]  
**Sent:** Tuesday, April 05, 2016 3:42 PM  
**To:** Rick Nardone  
**Subject:** RE: Hi From MIDTEL

Yes you may use my email response.

[REDACTED]  
**FairPoint Communications** | 1 Taconic Place, Chatham New York, 12037 | [REDACTED]  
**518.392.1262 office** | [REDACTED]

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**From:** Rick Nardone [mailto:rick@midtel.net]  
**Sent:** Tuesday, April 05, 2016 3:22 PM  
**To:** [REDACTED]  
**Subject:** RE: Hi From MIDTEL

Thanks very much for verifying... Greatly appreciated.

While I noted your canned disclosure at the bottom of this email, are you ok with me sharing this with the NYS Broadband Office should they inquire? We intend to include a generic narrative that says we contacted Fairpoint and they confirmed, etc... However, it is in the realm of possibility they could ask for the 'proof'. Just looking for your advance approval to share this email thread if it comes to that... which I doubt it will..

Thanks again,  
Rick

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**From:** [REDACTED]  
**Sent:** Tuesday, April 05, 2016 2:30 PM  
**To:** Rick Nardone  
**Subject:** RE: Hi From MIDTEL

Rick thanks, big help that is definitely not our property it's all yours.

[REDACTED]  
**FairPoint Communications** | 1 Taconic Place, Chatham New York, 12037 | [REDACTED]  
**518.392.1262 office** | [REDACTED]

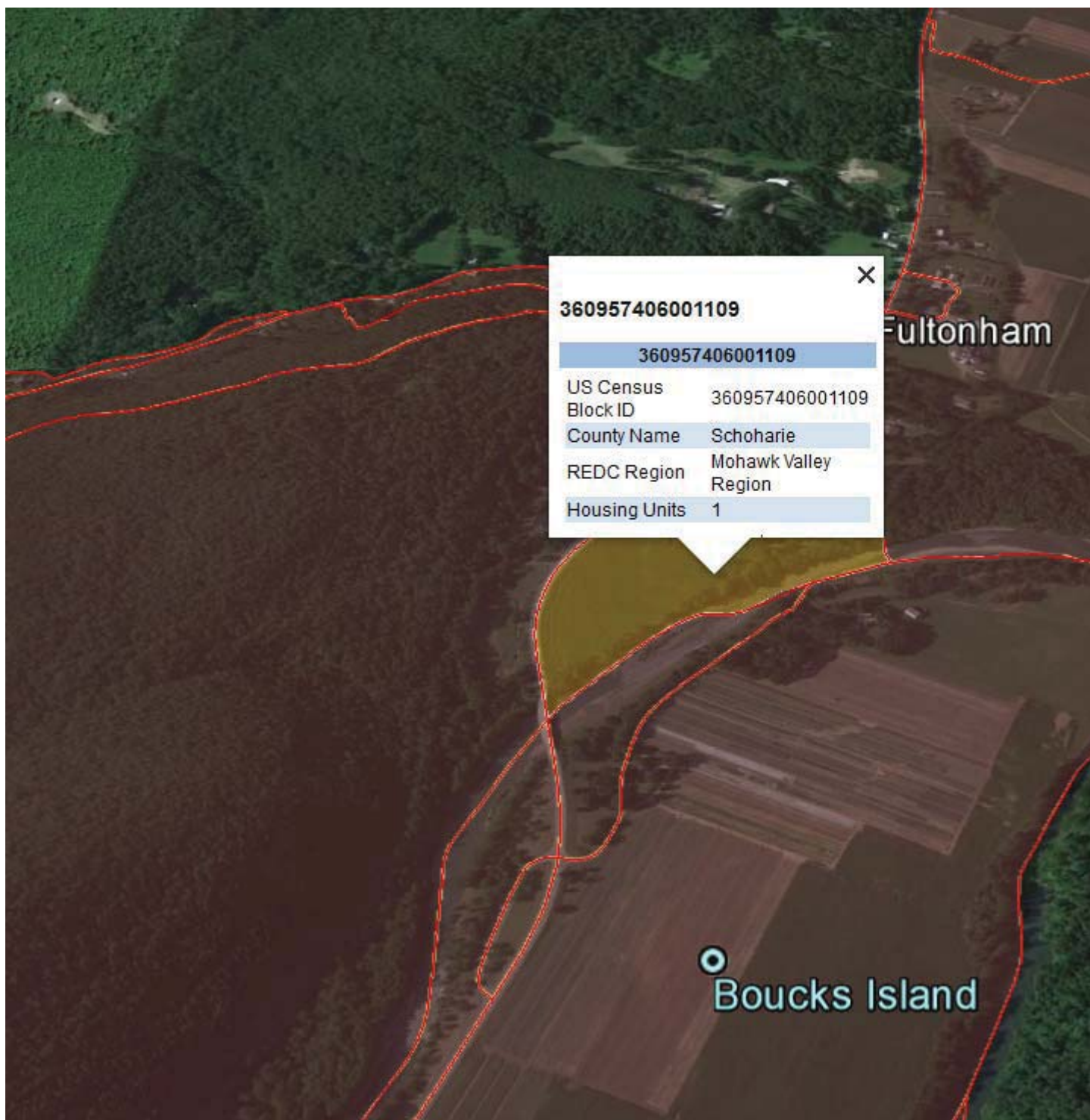
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**From:** Rick Nardone [mailto:rick@midtel.net]  
**Sent:** Tuesday, April 05, 2016 2:17 PM  
**To:** [REDACTED]  
**Subject:** RE: Hi From MIDTEL

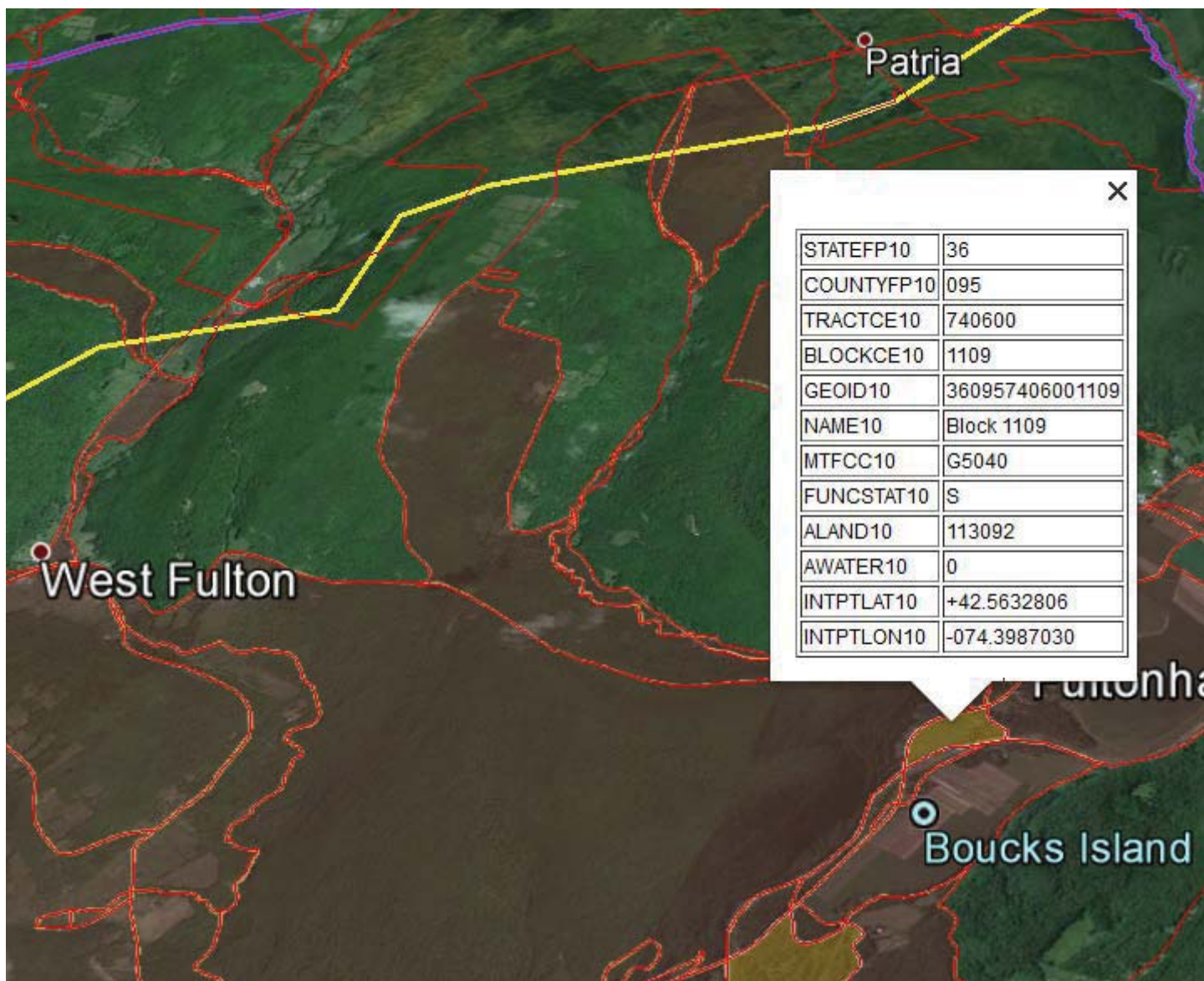
Hi [REDACTED],

Here is a smaller and larger screen capture via google earth. The larger on has the long and lat...

Rick







**From:** [REDACTED]

**Sent:** Tuesday, April 05, 2016 1:31 PM

**To:** Rick Nardone

**Subject:** RE: Hi From MIDTEL

Rick I could not find that census block. Can you send me an example of where it is in relationship to your territory?

**FairPoint Communications** | 1 Taconic Place, Chatham New York, 12037 | [REDACTED]  
**518.392.1262 office** | [REDACTED]

**From:** Rick Nardone [<mailto:rick@midtel.net>]

**Sent:** Monday, April 04, 2016 8:00 AM

**To:** [REDACTED]

**Subject:** Hi From MIDTEL

Hello [REDACTED],

My name is Rick Nardone and I am working on a NYS Broadband Grant Application for us here at MIDTEL. First, thank you for allowing me to reach out to you by means of Abby.

As you may or may not know, NYS selected Census blocks eligible for grant applications based on FCC 477 data. If advertised speeds were less than 25Mbps, there were considered 'unserved' and eligible. Those 25Mbps or higher were considered 'underserved', as they are attempting to have the whole state at 100Mbps by 2018,

It appears there is a census block nearly in the smack center of our service territory, that appears to be Fairpoint serving. We believe this to be a clerical error in the 477 data and would like to indicate as such in our grant application, which would allow it to become eligible. Simply something from you, confirming the census block below is not an area you serve, would be helpful in us providing evidence of overriding its status to be unserved.

Here are the two records for the same census block in North Blenheim, NY that show as served by you. One showing advertised speeds of 15/1, the other 30/30....

<u>LOGREC</u>	<u>PROV#</u>	<u>FRN</u>	<u>PROVNM</u>	<u>DBANM</u>	<u>HOLDNM</u>
4425692	11411	3772753	Taconic Telephone Corp.	Fairpoint Communications	FairPoint Communications,
4427720	11411	3772753	Taconic Telephone Corp.	Fairpoint Communications	FairPoint Communications,

Thank you for helping out with this, I hope this is something that can be easily reviewed and confirmed.

If you have any questions or in need of any clarification, please reach out.

Sincerely,

Rick Nardone  
MIDTEL  
518-827-5211  
518-827-9124 (Direct Line)  
[rick@midtel.net](mailto:rick@midtel.net)

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Attachment B – Census blocks “1090”, “1115”, “1116” and “1136”

